
IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

UNITED STATES OF AMERICA,

Plaintiff,

v.

PHILLIP ANTHONY CARRERO

Defendant.

**ORDER GRANTING MOTION TO
CONTINUE JURY TRIAL**

Case No. 2:22-cr-00030 TC

Based on the defendant's Motion to Continue Jury Trial, in the above entitled case, under DUCrimR 12-1(1) and for good cause appearing, the court makes the following findings:

1. Carrero first appeared in court on March 15, 2022, for his initial appearance on the Indictment returned in this matter. A jury trial was scheduled within the 70-day time period, for May 23, 2022. Thereafter, the General Order 22-006 continued all criminal jury trials excluding time under the Speedy Trial Act until June 30, 2020.
2. This is the first request for a continuance. The delay between June 30, 2022 and the new trial date is excludable under 18 U.S.C. §§ 3161(h)(7)(A) & (h)(7)(B)(iv) since not granting the continuance would deny Carrero continuity of counsel and deny Carrero's counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.
3. Carrero's current counsel filed an appearance on May 10, 2022. Counsel met with his client, reviewed discovery, asked the government to obtain additional discovery, and independently sought additional information. Defense investigation is ongoing but

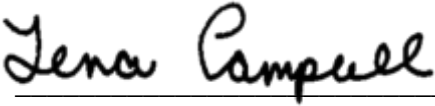
should take no more than four to six weeks to complete. In addition, Carrero is being screened for inpatient drug treatment and he will be seeking review of detention if accepted. Finally, the parties have engaged in some plea negotiations since the change of counsel, but these are ongoing.

4. Counsel has conferred with Carrero about this motion and the Defendant acknowledges that he was advised by his counsel of (a) the reasons for seeking a continuance; (b) understands that the time requested in the continuance may be excluded from any calculation of time under the Speedy Trial Act; and (c) with this understanding and knowledge, Carrero agreed to the filing of the motion. The Defendant agreed to this motion very reluctantly and he was disappointed to learn that the trial has been continued until at least June 30, 2022.
5. The length of the delay requested is 90 days.
6. There are no co-defendants associated with this case.
7. Assistant United States Attorney, Kevin Sundwall, does not object to the continuance and the motion to exclude.
8. Because the proposed continuance will afford Carrero continuity of counsel and will give his counsel time to complete investigation and pursue pretrial release to treatment, the ends of justice are best served by a continuance of the trial date, and the ends of justice outweigh the interest of the public and Carrero's in a speedy trial.

Based on the foregoing findings, the court grants the motion and will exclude the period of delay under the Speedy Trial Act. *See* 18 U.S.C. § 3161(h)(7)(B)(i). Therefore, the ends of justice served by such a continuance outweigh the best interests of the public and Defendant in a speedy trial.

THEREFORE, the 3-day jury trial previously scheduled to begin on May 23, 2022, is hereby continued to the 22nd day of August, 2022, at 8:30 a.m. Accordingly, the time between the filing of the Motion, May 23, 2022, and the new trial date set forth above, is excluded from computation under the Speedy Trial Act.

DATED this 23rd day of May, 2022.



TENA CAMPBELL
United States District Court Judge